

RECEIVED  
CENTRAL FAX CENTER

DEC 11 2006

PATENT  
Atty. Dkt. No. SEDN/5312  
Serial No. 09/920,615  
Page 15 of 21**REMARKS**

This response is intended as a full and complete response to the non-final Office Action mailed September 11, 2006. In the Office Action, the Examiner notes that claims 1-57 are pending of which claims 9-29 and 52-57 are withdrawn from consideration and claims 1-8 and 30-51 are rejected. By this response, Applicants have amended independent claims 1, 4, 30, 38 and 39.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are indefinite, anticipated or obvious under the respective provisions of 35 U.S.C. §§112, 102 and 103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

**Amendments to the Claims**

By this response, Applicants have amended claims 1, 4, 30, 38 and 39. The amendments to the claims are fully supported by the Application as originally filed. For example, the amendments to claims 1, 4 and 30 are supported at least by Applicants' specification on page 18, line 22 – page 19, line 13.

The amendments to 38 and 39 are made to correct the type of claim they depend from. Specifically, claims 38 and 39 were written inadvertently to depend from the "apparatus" of claim 30, when claim 30 is actually a method claim. Consequently, "apparatus" is amended to read "method".

Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments.

**Election/Restrictions**

The Office Action states that claims 9-29 and 52-57 are withdrawn from further

501544-1

consideration. Applicants reserve the right to subsequently file divisional applications in order to prosecute claims 9-29 and 52-57.

### **Claim Objections**

The Examiner has objected to claims 1-8 and 30-51 because they do not include indentations for each claimed element or step. The original claims included the indentations which were inadvertently omitted from the claims presented in Applicants' previously filed response(s). The claims presented in this response include the indentations. Since the indentations were included in the original claims, the identifier "original" has been used.

Claim 46 is objected to because it recites "farther" instead of –further—in line 1. Claim 46 has been amended to delete "farther" and insert instead –further–.

Therefore, the Applicants' respectfully request objection be withdrawn.

### **35 U.S.C. §112 Rejection of Claims 1-8 and 30-51**

Claim 34 is rejected under 35 U.S.C. §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner states that claim 34 fails to point out what is included or excluded by the claim language because one of ordinary skill in the art at the time the invention was made would not know what actions are being included with "scaling".

The Applicants respectfully submit that "scaling" is clearly defined in the Applicants' specification in at least page 13, line 29 – page 14, line 2. Specifically, the Applicants' specification defines scaling as accommodating or adapting any naming convention for use with the present invention. (See *Id.*) Therefore, the Applicants' respectfully submit that one of ordinary skill in the art at the time of the invention would know what action is being included with "scaling". Therefore, the Applicants' respectfully request the rejection be withdrawn.

**35 U.S.C. §102 Rejection of Claims 1, 4-8, 30-32, 34-35, and 45-51**

The Examiner has rejected claims 1, 4-8, 30-32, 34-35, and 45-51 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,547,829 to Meyerzon et al. (Meyerzon). Applicants respectfully traverse the rejection.

Applicants' claim 1 recites:

1. A remote content crawler for use in a content search, packaging, and delivery system, comprising:
  - a remote content crawler processor that controls the remote content crawler;
  - a network resource processor that acquires data related to resources coupled to one or more communications networks;
  - a crawling criteria processor that acquires crawling criteria;
  - a crawler content provider processor that receives, processes and stores content provider listings; and
  - a network crawler, wherein the network crawler crawls content providers to acquire data related to available content in accordance with the crawling criteria. (Emphasis added).

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. Meyerzon fails to disclose each and every element of the claimed invention, as arranged in claim 1.

Specifically, Meyerzon fails to teach or suggest at least a remote content crawler for use in a content search, packaging and delivery system, comprising a network crawler, wherein the network crawler crawls content providers to acquire data related to available content in accordance with the crawling criteria, as recited in claim 1. In an exemplary embodiment, a crawling criteria checker module is used to determine if the contents of the hypertext files meet the conditions of the crawling criteria. (See Applicants' specification, p. 18, l. 22 – p. 19, l. 2). This is accomplished by parsing the content of the hypertext files and running a comparison algorithm to determine if the hypertext files contain elements listed in the criteria such as keywords, data type descriptions and metadata descriptors. (See *Id.*)

Meyerzon discloses a method and system for detecting duplicate documents in web crawls. A crawler performs a full crawl and then incremental crawls to only obtain

## PATENT

Atty. Dkt. No. SEDN/5312

Serial No. 09/920,615

Page 18 of 21

documents that have changed since the previous crawl. (See Meyerzon, col. 4, ll. 43-67). The incremental crawl obtains documents that are not duplicated, determined by a content identifier (CID). (See Meyerzon, col. 8, ll. 65-67). Notably, Meyerzon only teaches that crawling is performed to avoid duplication based on a CID and not in accordance with crawling criteria. Consequently, Applicants' invention crawls not only to avoid duplication, but also to retrieve relevant content. In contrast, Meyerzon only teaches crawling to avoid duplication. In other words, Meyerzon may still retrieve irrelevant content if it has not already been retrieved.

Thus, Meyerzon does not teach or suggest each and every one of the limitations of Applicants' invention as recited in claim 1. As such, Applicants submit that independent claim 1 is not anticipated by Meyerzon and is patentable under 35 U.S.C. §102. Independent claims 4 and 30 recite relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claims 4 and 30 also are not anticipated by Meyerzon and are patentable under 35 U.S.C. §102. Furthermore, claims 5-8, 31-32, 34-35, and 45-51 depend directly or indirectly from independent claims 4 and 30, while adding additional elements. Therefore, these dependent claims also are not anticipated by Meyerzon and are patentable under 35 U.S.C. §102 for at least the same reasons discussed above in regards to independent claims 1, 18, 22 and 39.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 2-3**

The Examiner has rejected claims 2-3 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Stern et al. (U.S. patent application publication No. 2002/0032740 A1, hereinafter "Stern"). Applicants respectfully traverse the rejection.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection under 35 U.S.C. 102 given Meyerzon. Since the rejection under 35 U.S.C. 102 given Meyerzon has been overcome, as described hereinabove,

PATENT  
Atty. Dkt. No. SEDN/5312  
Serial No. 09/920,615  
Page 19 of 21

and there is no argument put forth by the Office Action that Stern supplies that which is missing from Meyerzon to render the independent claims obvious, this ground of rejection cannot be maintained.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claim 33**

The Examiner has rejected claim 33 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of in view of the Examiner's official notice. Applicants respectfully traverse the rejection.

This ground of rejection applies only to a dependent claim and is predicated on the validity of the rejection under 35 U.S.C. 102 given Meyerzon. Since the rejection under 35 U.S.C. 102 given Meyerzon has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that the Examiner's official notice supplies that which is missing from Meyerzon to render the independent claims obvious, this ground of rejection cannot be maintained. Accordingly, claim 33 is non-obvious and patentable over Meyerzon in view of the Examiner's official notice under 35 U.S.C. §103.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 36-37**

The Examiner has rejected claims 36-37 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Johnson (U.S. patent application publication No. 2002/0010682 A1, hereinafter "Johnson"). Applicants respectfully traverse the rejection.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection under 35 U.S.C. 102 given Meyerzon. Since the rejection under 35 U.S.C. 102 given Meyerzon has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Johnson supplies that which

501544-1

is missing from Meyerzon to render the independent claims obvious, this ground of rejection cannot be maintained.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 38-40**

The Examiner has rejected claims 38-40 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Jensen-Grey (U.S. patent application publication No. 2002/0099697 A1, hereinafter "Jensen-Grey"). Applicants respectfully traverse the rejection:

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection under 35 U.S.C. 102 given Meyerzon. Since the rejection under 35 U.S.C. 102 given Meyerzon has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Jensen-Grey supplies that which is missing from Meyerzon to render the independent claims obvious, this ground of rejection cannot be maintained.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**35 U.S.C. §103 Rejection of Claims 41-44**

The Examiner has rejected claims 41-44 under 35 U.S.C. §103(a) as being unpatentable over Meyerzon in view of Schuetze et al. (U.S. Patent No. 6,751,612, hereinafter "Schuetze"). Applicants respectfully traverse the rejection.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection under 35 U.S.C. 102 given Meyerzon. Since the rejection under 35 U.S.C. 102 given Meyerzon has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Schuetze supplies that which is missing from Meyerzon to render the independent claims obvious, this ground of rejection cannot be maintained.

RECEIVED  
CENTRAL FAX CENTER

PATENT  
Atty. Dkt. No. SEDN/5312  
Serial No. 09/920,615  
Page 21 of 21

DEC 11 2006

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

**CONCLUSION**

Thus, Applicants submit that none of the claims, presently in the application, are indefinite, anticipated or obvious under the respective provisions of 35 U.S.C. §§112, 102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 12/11/06

E J Wall  
Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicant(s)

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808